GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute : Industrial dispute between the workmen and the management of Karnataka Steel and Wire Products Limited, Harinivas, No. 36, Cunningham Road, Bangalore-52.

Award of the Presiding Officer, Labour Court, Bangalore, published.

Read the following papers :

(1) Letter No. 1974/77-78 dated 9th February 1978, from Sri H. Shanmukhappa, Presiding Officer, Labour Court, Bangalore.

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE.

Dated this 9th day of February, 1978.

Present

Shri H. Shanmukhappa, B. A , B. L ,

Presiding Officer

Reference No. 3 of 1976.

First Party :—

Sri S. P. Pai, No. 374, Satelite Town, Bangalore-560026.

vs.

Second Party :—

The Management of Karnataka Steel and Wire Products Limited, Harinivas, No. 36 Cunningham Road, Bangalore-52.

Reference ;—Government Order No. SWL 893 LLD 75 dated 3rd January 1976

AWARD

1. The Government of Karnataka in their order No. SWL 893 LLD 75 dated 3rd January, 1976, have referred an industrial dispute existing between the above named parties to this Court for adjudication on the points of dispute noted below :—

"Are the management of M/S Karnataka Steel and Wire products Ltd , Harinivas, No. 36, Cunningham Road, Bangalore-52, justified in terminating the services of Sri S. P. Pai with effect from 1st July 1974 ?

If not, to what relief is the said workmen entitled ?"

2. The First Party filed his claim statement on 20th February 1976, On behalf of the II party only authorisation authorising R and M Associates, Banaglore, to represent the II Party, was filed

on 27th April 1976, but no counter-statement was filed in spite of availing of sufficient time. Further from 22nd March 1977 neither the II Party nor their representatives were present, but remained absent throughout. In the circumstances, I am constrained to proceed under Rule 23 of the Industrial Disputes (Karnataka) Rules, 1957, as if the II Party was present and had been duly represented.

3. The I Party in his claim statement has stated that he was appointed as a Die Pollshing Foreman as per appointment order dated 25th June 1971, He reported for duty on 15th July 1971. His consolidated wages were Rs 525 per month. He was on probation for a period of six months as per the appointment order. He was continued in service after six months and was given an annual increment of Rs. 50 at the end of six months from 1st January 1972. He was also given further increment of Rs. 75 w. e. f. 1st Julv 1972 and a further increment of Rs. 100 w. e. f. 1st July 1973. His services were illegally terminated w. e. f 1st July 1974 without any justifiable reason or Cause. He was previously employed in M/s Special Steels Limited, Bombay and was an experienced person. On account rosy picture painted by the II Party concern. he had left his earlier job and had joined the II Party. As long as one Sri J. G. Vijapure, Works Manager was in II Party, the things were smooth, but after Vijapur resigned, the management took a hostile attitude and all of a sudden I Party's services were terminated w. e. f. 1st July 1974 as per the termination order issued by the Managing Director. The action of the management amounts to unfair labour practice. No charge-sheet was served on him ; no enquiry was held and he was not at all given any opportunity before his termination. Hence the termination of I Party is unjust and illegal. Therefore, he prays for his reinstatement with continuity of service and full back wages.

4. The points of dispute referred for adjudication are taken as Issues in this Reference.

5. The burden was upon the II Party to prove that they were justified in terminating the services of I Party w.e.f 1st July 1974. The II Party has failed to discharge this burden. They simply remained absent. They even did not care to file the counter-statement.

6. On the other hand, the I Party workman got himself examined as W.W.1 and marked Exhibits W.1 to W.6. His evidence is to the effect that he had joined the II Party on 15th July 1971 as a Supervisor on a consolidated wages Rs. 525/- p. m. Before that he was working in M/s Special Steel Ltd., Bombay. When he was employed there, one Mr. Vijapuri, the then Works Manager of II Party, persuaded him to go to Bangalore and join the II Party. At Bombay he had a permanent job. However, because of the rosy picture painted by the II Party he had joined the II Party. He was given an increment of Rs. 50/- after six months he had joined

the II Party. Agáin he had received an increment of Rs 50/- to Rs. 75/- in the year 1972. In 1973 the increment was increased to Rs. 100/-. Though he was supervisor, he was not supervising anybody's work. After the resignation of Mr. Vijapuri, the II Party harassed the workmen. The II Party had never issued any charge-sheet to him; no enquiry was held; but he was terminated as per Ex. W.1. He had issued lawyer's notice as per Ex. W 2. demanding work. Ex. W.3 is the reply notice of the management. He had raised conciliation proceedings as per Ex. W·4. Ex. W. 5 is the management's statement before the conciliation officer. Ex. W.6 is his appointment order. He prayed for his reinstatement with all consequential benefits.

7. I have no reason to disbelieve the evidence of W.W.1 which stands unrebutted and also supported by documents Ex. W.1 to W.6. The burden was upon the management to prove that they were justified in terminating the services of the I Party workman w. e. f. 1st July 1974, but they have failed to discharge the same. On the other hand, the I Party has proved that he was removed from service by the II Party without any valid reason whatsoever. There was no charges alleged against the I Party; there was no enquiry, but the I Party was abruptly terminated from service without assigning any valid reasons. Such an action on the part of the II Party amounts to unfair labour practice and connot be justified. I, therefore, hold that the II Party was not justified in terminating the services of the I Party workman w. e. f. 1st July 1974. It therefore follows that the I Party workman is entitled to his reinstatement with continuity of service and back wages. Hence my award.

AWARD

8. In the result, the Reference is answered as follows: The Management of M/s Karnataka Steel and Wire Products Limited, Harinivas, No. 36, Cunningham Road, Bangalore–52, were not justsfied in terminating the services of Sri S. P. Pai with effect from 1st July 1974. Sri S. P. Pai, I Party workman, is entitled to his reinstatement with continuity of service and back wages. No order as to costs.

H. SHANMUKHAPPA,

Presiding Officer,
Labour Court, Bangalore.

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H. SHANMUKHAPPA,

Presiding Officer,
Labour Court, Bangalore.